

**A G E N D A**  
**BOARD OF SHELBY COUNTY COMMISSIONERS**  
**CHARTER FORM OF GOVERNMENT**  
**DECEMBER 6, 2004**

<b>1:30 P.M.</b>	<b>COMMISSION CONVENES</b>
<b>CALL TO ORDER</b>	<b>Deputy Sheriff Ricky Jackson</b>
<b>INVOCATION</b>	<b>Reverend Ed Parker, Berean Missionary Baptist Church</b>
<b>PLEDGE OF ALLEGIANCE</b>	
<b>ROLL CALL</b>	

**Approval of Minutes of Previous Sessions**

<b>FORD</b>	<b>November 8, 2004</b>
<b>ADOPTED</b>	<b>November 22, 2004</b>

**C O N S E N T   A G E N D A**

**Resolutions of Memorial, Sympathy and Commendation**

**Ordinances**

<b>MOSS</b>	<b>1.</b>	<b><u>ORDINANCE – (ZTA 03-002 CC) FIRST READING</u> – A</b>
<b>APPROVED</b>		<b>joint ordinance amending the Memphis and Shelby County Zoning Ordinance adopted by the Shelby County Board of Commissioners on October 6, 1980, and the Council of the City of Memphis on October 7, 1980; being Joint Ordinance No. 3064, as amended, by amending Section 29 – Signs:</b>
		<b>Subsection III – Definitions;</b>
		<b>Subsection IV – Classification of signs;</b>
		<b>Subsection V – Signs prohibited;</b>
		<b>Subsection VI – General standards;</b>
		<b>Subsection VII – Permanent on-premise sign regulations; and by creating a new Subsection XII – Violations, and a new Subsection XIII – Enforcement and Penalties; amending Section 30 – Nonconformities; Subsection E – Nonconforming on-premise and off-premise signs; providing for severability; providing for repeal of conflicting ordinance requirements; and providing an effective date.</b>

**Zoning and Subdivisions**

**MOSS  
ADOPTED  
(A-B)**

2. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.

**Reports and/or Resolutions of Standing Committees**

**KIRK  
WITHDRAWN**

3. Resolution approving Time Warner Entertainment Company, LP, to transfer the franchise to a newly formed entity, Time Warner Cable Mid-South, LLC.

**KIRK  
ADOPTED**

4. Resolution to approve a real property exchange with the State of Tennessee, acting through the University of Tennessee and without monetary consideration, exchanging two parcels of county owned real property totaling 0.47 acres in size located on the north side of Madison Avenue, east of Dunlap Street, for a parcel of state owned real property, 0.98 acres in size located on the east side of Dunlap Street, north of Madison Avenue, needed to promote the orderly redevelopment of the Medical Center area.

**KIRK  
ADOPTED**

5. Resolution amending the FY 2005 Budget for organizational changes and corrections needed.

**KIRK  
ADOPTED**

6. Resolution amending the FY 2005 Operating Budget to facilitate full utilization of the county's Local Law Enforcement Block Grant for Federal Fiscal Year 2003 and to prevent over-expenditure of the same.

**KIRK  
ADOPTED**

7. Resolution to amend the FY 2004/2005 Shelby County Operating Budget to allow full expenditure of Juvenile Accountability Block Grant proceeds.

**KIRK  
ADOPTED**

8. Resolution to convey 2,037 square feet (0.0468 acres) of county owned real property, along with the grant of a temporary slope easement and a temporary construction easement across county owned real property located on the southeast corner of South Parkway and Grimes Street to the City of Memphis, without monetary consideration, for the proposed widening and improvement of South Parkway.

**AVERY  
ADOPTED**

9. Resolution awarding a contract to Standard Construction Company for the 2004/2005 Asphalt Concrete Surfacing Program, Phase 1 Area 1, and appropriating funds in the amount of \$748,271.58.

**AVERY  
ADOPTED**

10. Resolution awarding a contract to Standard Construction Company for the 2004/2005 Asphalt Concrete Surfacing Program, Phase 1 Area 2, and appropriating funds in the amount of \$745,783.90.

**AVERY  
ADOPTED**

11. Resolution amending the FY 2004/2005 Shelby County Operating Budget to properly reflect a grant from the United States Substance Abuse and Mental Health Services Administration and approving a sub-grant funded thereby.

**AVERY  
(DEFERRED  
TO 12/20/04)**

12. Resolution approving a contract between Shelby County Government and the Regional Medical Center in the amount of \$285,822.00 to provide emergency medical and psychiatric assessment and detoxification program services to homeless individuals.

**AVERY  
ADOPTED**

13. Resolution to approve a contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health in the amount of \$2,878,900.00 to operate the WIC program for the period October 1, 2004 through September 30, 2005.

**AVERY  
ADOPTED**

14. Resolution to approve a contract between the Tennessee Department of Agriculture and the Memphis and Shelby County Health Department for the period January 1, 2005 – December 31, 2009, for the inspection of retail food stores.

**THOMPSON  
ADOPTED**

15. Resolution approving expenditure of funds from the FY 2004/2005 Operating Budget to Bill Heard Chevrolet Co. in the amount of \$924,326.00, and Chuck Hutton Chevrolet Company in the amount of \$17,340.00 for the purchase of fifty six (56) 2005 model police vehicles for the Sheriff's office.

**MALONE  
ADOPTED**

16. Resolution to authorize the Shelby County Community Services Agency to accept and expend \$119,605.00 in grant funds from the Tennessee Department of Agriculture for the Community Services Commodities Program and to amend the Community Services Agency's Operating Budget for FY 2005.

**KIRK  
ADOPTED**

**CONSENT AGENDA**

### ***REGULAR AGENDA***

#### **Elections, Appointments, and Confirmations**

**FORD  
(DEFERRED  
TO 12/20/04)**

17. Resolution approving the county mayor's nomination of Travis Smith for reappointment to the *Shelby County Healthcare Corporation*, retroactive to January 10, 2003 and expiring on January 10, 2006, for a term of three (3) years.

**Ordinances**

**MOSS  
ADOPTED**

18. **ORDINANCE – THIRD READING - An ordinance to amend Part II, Code of Ordinances, County of Shelby, Tennessee, so as to establish a new Chapter 30: “Storm Water Management and Pollution Control.”**

**FORD  
APPROVED  
AS AMENDED  
(DEFERRED  
TO 12/20/04)**

19. **ORDINANCE – THIRD READING - An Ordinance amending Section 12-38[c] of the Shelby County Code formerly Section 19 of Chapter 110 of the Private Acts of 1971 in order to add language establishing a time limit and other conditions for eligibility for the Civil Service Classified Fallback Position in employment with Shelby County Government.**

**Zoning and Subdivisions**

**MOSS  
(DEFERRED  
TO 12/20/04)**

20. **CASE NO. P.D. 04-356 CC  
(Briarcrest Baptist School Planned Development)  
APPLICANT: Waymon H. Welch, Jr. and  
Dawn Kinard**
- LOCATION: South side of Old Dexter Road;  
+653.89 feet east of Bonnie Drive**
- REQUEST: Amendment to an existing planned  
development to permit a car wash in  
Area A**

**Memphis and Shelby County Office of Planning and  
Development recommendation:  
REJECTION**

**Memphis and Shelby County Land Use Control Board  
recommendation:  
APPROVAL WITH CONDITIONS**

**(Notice of public hearing published in the Daily News on  
Friday, November 12, 2004.)**

**MOSS  
ADOPTED**

21.

**CASE NO. P.D. 04-362 CC**

**APPLICANT:** First Capital Investments, LLC

**LOCATION:** East side of Rockyford Road;  
+1,081.06 feet north of Old  
Brownsville Road

**REQUEST:** A planned development to permit 295  
single family detached lots with a  
minimum lot size of 10,000 square  
feet within the plan.

**Memphis and Shelby County Office of Planning and  
Development recommendation:**  
APPROVAL WITH CONDITIONS

**Memphis and Shelby County Land Use Control Board  
recommendation:**  
APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on  
Wednesday, November 24, 2004.)

**MOSS  
ADOPTED**

22.

**CASE NO. Z 04-132 CC**

**APPLICANT:** William H. Thomas, Jr.

**LOCATION:** South side of Holmes Road; +/-429  
feet east of Airways Boulevard

**REQUEST:** Taking property out of Single Family  
Residential (R-S8) and Multiple  
Dwelling Residential (R-ML) Use  
Districts and including it in the Light  
Industrial (I-IL) Use District.

**Memphis and Shelby County Office of Planning and  
Development recommendation:**  
APPROVAL

**Memphis and Shelby County Land Use Control Board  
recommendation:**  
APPROVAL

(Notice of public hearing published in the Daily News on  
Wednesday, November 24, 2004.)

**Reports and/or Resolutions for Standing Committees**

**FORD  
WITHDRAWN**

23.

**Resolution approving on-the-job injury benefits for  
Michael A. Walden.**

**BOLTON  
ADOPTED**

24.

**Resolution approving proposed legislation and  
requesting the Shelby County Legislative Delegation to  
introduce and support a legislative bill entitled “An Act  
to amend TCA Title 55, Chapter 50, Sections 303 and  
502, relative to Driver Licenses for Individuals with  
Outstanding Warrants.”**

<b>BOLTON (DEFERRED TO 12/20/04)</b>	<b>25. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend TCA Title 8, Chapter 8, Section 108, relative to Service of Process.”</b>
<b>BOLTON ADOPTED</b>	<b>26. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend TCA Title 8, Chapter 21, Section 901, relative to Sheriff’s Fees.”</b>
<b>BOLTON ADOPTED</b>	<b>27. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend TCA Title 40, Chapter 35, Section 303, relative to Determination of Probation Period.”</b>
<b>BOLTON (DEFERRED TO 12/20/04)</b>	<b>28. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend TCA Title 8, Chapter 8, Section 201, relative to Appointment of Court Officers.”</b>
<b>BOLTON (DEFERRED TO 12/20/04)</b>	<b>29. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend TCA Title 8, Chapter 21, Section 401, relative to Court Fees.”</b>
<b>BOLTON ADOPTED</b>	<b>30. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend TCA Title 68, Chapter 2, Section 601, relative to Health Department fees for Vector Control.”</b>
<b>BOLTON ADOPTED</b>	<b>31. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend TCA Title 11, Chapter 21, Section 102, relative to Membership of County Conservation Boards.”</b>
<b>BOLTON ADOPTED</b>	<b>32. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend TCA Title 36, Chapter 13, Part 1, so as to Create a Misdemeanor Offense for violations of Orders of Protection in Domestic Violence Cases.”</b>

**BOLTON  
ADOPTED**

33. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend TCA Title 40, Chapter 24, Section 107, relative to Criminal Injuries Compensation.”

**BOLTON  
(DEFERRED  
TO 12/20/04)**

34. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend TCA Title 29, Chapter 20, Section 205, relative to Governmental Tort Liability for Emergency Services, and TCA Title 6, Chapter 51, Part 1, relative to Annexations and Emergency Services.”

**BOLTON  
ADOPTED**

35. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend TCA Title 10, Chapter 7, Part 4, relative to Public Records.”

**BOLTON  
(DEFERRED  
TO 12/20/04)**

36. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend TCA Title 7, Chapter 53, Section 101, relative to Industrial Development Corporations.”

**Announcements/Statements**

37. Notification from county mayor of various appointments/reappointments to Boards, Commissions, and offices of Shelby County Government.
- a. Resolution approving the county mayor’s nomination of George D. Barnes for reappointment and the joint city-county reappointment of Michael C. Ritz to the *Memphis and Shelby County Depot Redevelopment Corporation*.

**KIRK  
ADOPTED**

- 37A. Resolution appointing the Chief Administrator to the Shelby County Board of Commissioners pursuant to Shelby County Charter, Article II, Section 2.02 (A).

**LILLARD  
ADOPTED**

- 37B. Resolution appointing the Deputy Administrator to the Shelby County Board of Commissioners.

**WILLINGHAM  
ADOPTED**

- 37C. Resolution approving the reclassification of the vacant Deputy Administrator A position for the Shelby County Board of Commissioners to an Executive Secretary Position and appointing Frances Elkins to that position.

Adjournment

LOEFFEL  
ADOPTED

38. Resolution of Adjournment to December 20, 2004, at 1:30 p.m.



**AGENDA # 2**  
**DECEMBER 6, 2004**

**2A**

**SUBDIVISION:** JARRETT SUBDIVISION, FIRST ADDITION (S 04-001 CC)

**DEVELOPER:** RICK JARRETT

**ACTION:** RESOLUTION TO RESCIND RESOLUTION NUMBER 4D  
ADOPTED SEPTEMBER 27, 2004, APPROVING AND  
AUTHORIZING THE RECORDING OF THE PLAT FOR JARRETT  
SUBDIVISION, FIRST ADDITION (S 04-001 CC)

**LOCATION:** TWO HUNDRED (200') FEET WEST OF THE INTERSECTION OF  
LUCY ROAD AND SKYES ROAD

**2B**

**SUBDIVISION:** TUSCANY PLACE SUBDIVISION-RESUBDIVISION OF LOT 11  
(S 00-046 CC)

**DEVELOPER:** JAMES G. FARR

**ACTION:** RESOLUTION TO RELEASE THE BOND THAT SECURED THE  
IMPROVEMENTS TO TUSCANY PLACE SUBDIVISION-  
RESUBDIVISION OF LOT 11 (S 00-046 CC)

**LOCATION:** 300.63 FEET EAST OF BERRYHILL ROAD AND LAZZINI COVE

[For questions regarding the Agenda,  
please call Steve Summerall at 545-4301.]